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Southern District of New York
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IRENE VALENTIN, as Mother and	:
Natural Guardian, of AUTUMN VALENTIN and	:
IRENE VALENTIN, Individually,	:
	:
Plaintiffs,	:
-against-	:
	:
MORRIS HEIGHTS HEALTH CENTER and	:
BRONX LEBANON HOSPITAL CENTER,	:
	:
Defendants.	:
	:
-----X	

NOTICE OF MOTION

08 Civ. 2484 (CM)

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Motion To Substitute the United States as Defendant and To Dismiss the Complaint as Against the United States; the Declaration of Mara E. Trager dated March 18, 2008, and accompanying exhibits; the Declaration of Deretia Hawkins dated January 24, 2008, and accompanying exhibit; and the Certification of Michael J. Garcia, dated February 29, 2008, defendant Morris Heights Health Center (the "federal defendant"), by its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007 for an order: (i) substituting the United States as defendant with respect to plaintiffs' claims against the federal defendant and, upon substitution, (ii) dismissing the complaint for lack of subject matter jurisdiction pursuant to

Rule 12(b)(1) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Individual Practices of the Honorable Colleen McMahon, answering papers or motions are to be served two (2) weeks after service of the moving papers, and reply papers, if any, are to be served five business days later.

Dated: New York, New York
March 18, 2008

MICHAEL J. GARCIA
United States Attorney for the
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Attorney for the United States of America

By: /s/
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